



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

LAWRENCE GAULT,
Plaintiff,

vs.

CHUCK WRIGHT and JASON SAIN,
Defendants.

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CIVIL ACTION NO. 3:09-923-HFF-JRM

ORDER

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the case be dismissed without prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on April 28, 2009, but Plaintiff failed to file any objections *per se* to the Report. However, he did send the Clerk's office a letter (addressed to Judge

Herlong) regarding this lawsuit. Because he is proceeding pro se and because he has submitted no other response to the Report, the Court will construe this letter as Plaintiff's objections. The Clerk of Court entered Plaintiff's letter on May 18, 2009.

In this letter Plaintiff basically restates portions of his complaint against Defendant Sheriff Wright, and he asks the Court for assistance in dealing with what he perceives to be a conspiracy to harm him on the part of Defendant Sheriff Wright. The Court finds these objections to be without merit.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that the case be **DISMISSED** *without prejudice* and without issuance and service of process.

IT IS SO ORDERED.

Signed this 22nd day of May, 2009, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within 30 days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.